

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 022101-000320US							
I hereby certify that this correspondence is being transmitted via EFS-Web to the USPTO on <u>October 21, 2008</u> Signature / <u>Terrie J. Rau/</u> Typed or printed name <u>Terrie J. Rau</u>		In re Application of <u>David Harrow GELFAND, et al.</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Application Number <u>10/052,417</u></td> <td style="padding: 2px;">Filed <u>January 17, 2002</u></td> </tr> <tr> <td colspan="2" style="padding: 2px;"> For THERMOSTABLE DNA POLYMERASES INCORPORATING NUCLEOSIDE TRIPHOSPHATES LABELED WITH FLUORESCIN FAMILY DYES </td> </tr> <tr> <td style="padding: 2px;">Art Unit <u>1634</u></td> <td style="padding: 2px;">Examiner <u>Sitton, Jehanne Souaya</u></td> </tr> </table>		Application Number <u>10/052,417</u>	Filed <u>January 17, 2002</u>	For THERMOSTABLE DNA POLYMERASES INCORPORATING NUCLEOSIDE TRIPHOSPHATES LABELED WITH FLUORESCIN FAMILY DYES		Art Unit <u>1634</u>	Examiner <u>Sitton, Jehanne Souaya</u>
Application Number <u>10/052,417</u>	Filed <u>January 17, 2002</u>								
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Art Unit <u>1634</u>	Examiner <u>Sitton, Jehanne Souaya</u>								

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 540

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

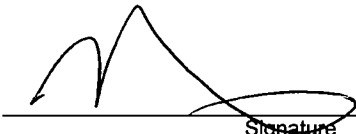
☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1430.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

<input type="checkbox"/> applicant/inventor.	 _____ Signature
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	_____ Matthew E. Hinsch Typed or printed name
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>47,651</u>	_____ 415-576-0200 Telephone number
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	_____ October 21, 2008 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.